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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA, Plaintiff,	Crim No. CR 11-08-M-DWM
vs.	SENTENCING MEMORANDUM
WILLIAM RICHARD NIELSEN, Defendant.	

I. INTRODUCTION

COMES NOW the defendant William Richard Nielsen (Nielsen), through his undersigned counsel and in conformity with the Court's scheduling order dated October 16, 2012 (Doc. #74) offers the following memorandum in aid of sentencing.

OUTSTANDING OBJECTIONS

Defendant has objected to the adverse inference drawn from defendant's lack of participation in the Sex Offender Management Program while he has been incarcerated. In fact Mr. Nielsen has remained silent pending his Ninth Circuit appeal. *See Mitchell v. United States*, 526 U.S. 314, 119 S.Ct. 1307 (1999). Once he is resentenced defendant plans to participate fully.

Insofar as the restitution is concerned defendant has no objection so long as there is proper documentation supporting the request.

CONCLUSION

WHEREFORE, defendant prays the Court will consider this memo and rely on it in fashioning defendant's sentence.

Respectfully Submitted November 9, 2012.

/s/ Michael Donahoe
MICHAEL DONAHOE
Senior Litigator
Counsel for Defendant

CERTIFICATE OF SERVICE
L.R. 5.2(b)

I hereby certify that on November 9, 2012, a copy of the foregoing document was served on the following persons by the following means:

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1. CLERK, UNITED STATES DISTRICT COURT

1, 2. Marcia Hurd
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/s/ Michael Donahoe

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